

AN ALTERNATIVE TO THE PREVENTION OF INFILTRATION LAW: IMPROVE THE SITUATION IN SOUTH TEL AVIV

IN A NUTSHELL

- **47,000 asylum-seekers in Israel, 93% Eritreans and Sudanese.**
- **They cannot be forcibly deported to their countries.**
- **Barely any new entries since Israel built a fence on the border.**
- **2,200 asylum-seekers are indefinitely detained in Holot detention facility under Amend. 4 of the Anti-Infiltration Law.**
- **The facility can hold up to 3,300 detainees.**
- **Israel's policy of detaining asylum-seekers has had no positive impact on struggling neighborhoods in Tel Aviv**
- **Law is "unconstitutional", according to Israel's High Court.**

There are 47,000 asylum-seekers in Israel, of whom 35,000 are Eritreans and 9,000 Sudanese. Around 70% live in the southern neighborhoods of Tel Aviv – an area that for decades has been marginalized and ignored by both the Israeli government and the Tel Aviv Municipality. For years, the Israeli authorities actively encouraged asylum-seekers to settle in the area. The area's population has since tripled in size, but few or no resources have been invested in improving the infrastructure and increasing services there.

Since Israel built a fence on its border with Egypt in December 2012, there are barely any new asylum-seekers entering the country. By its own admission, Israel is unable to forcibly deport the Eritreans and Sudanese who are already in its territory back to their home countries.

What the Israeli government chooses to do instead, in the words of former Interior Minister Eli Yishay, is to “lock them up to make their lives miserable”, and in this way coerce them to leave “voluntarily”. This is precisely the point of the Holot detention facility, where 2,200 Eritreans and Sudanese are currently detained indefinitely and without trial.

The facility, however, fails utterly either to answer the challenges that Israel faces or to help the people living in the South Tel Aviv area. The maximum number that the facility can hold is 3,300 detainees, which makes no difference to conditions in area. Asylum-seekers are forced to stay around because, lacking access to legal work or basic services, they rely largely on community support for their

survival. South Tel Aviv continues to be crowded, neglected and overlooked.

On 22 September 2014, the Israeli High Court ruled that Amendment 4 of the Prevention of Infiltration Law, which allows for the indefinite detention of asylum-seekers in Holot, is “unconstitutional” and called the government to release detainees within 90 days. Already last year the High Court of Justice had called Israeli detention policy, under Amendment 3 to the Prevention of Infiltration Law, “a grave and disproportionate abuse of the right to personal freedom.”

It is time for something different: solution that answers the needs of the Israelis who live in South Tel Aviv; a solution that follows Israel's Basic Laws; one that makes sense economically; and one that respects the fundamental rights of those who are now in Israel and, for the time being, cannot be forced to leave.

1. Rehabilitate South Tel Aviv

- 1.1. As Israel's State Comptroller said in his 2014 report, the neglect in South Tel Aviv is so extreme that one may suspect it is intentional. Israeli government ministries and the Tel Aviv Municipality must immediately invest the resources and budget required to improve and develop health-care, welfare and education services in the area.
- 1.2. The authorities must invest efforts in creating a safe environment for all the area's residents – fixing faulty infrastructure, addressing safety hazards such as illegal electrical wiring and water and gas connections, providing regular waste disposal services and better street lighting, as well as expanding and improving green areas and public spaces is vital.

2. Encourage foreigners to leave South Tel Aviv and disperse in various parts of Israel

- 2.1. Israel hands out tens of thousands of work permits to foreign migrant workers every year, but still the heads of Israeli industries are crying out for more laborers in the fields of hospitality, catering, cleaning, agriculture and construction. Although the Israeli government does not grant work permits to asylum-seekers, the majority of them are in some form of employment.
Legalizing the work of asylum-seekers would increase state revenue, and halt the damaging effect of a cheap, easily exploitable work force on Israel's labor market, including the erosion of the minimum wage. Being able to work legally, the economic situation of asylum-seekers will improve, they will be less dependent on community support and more likely to move to other parts of Israel.
- 2.2. In order to increase employment opportunities for asylum-seekers in various parts of Israel, the authorities could encourage employers in the peripheries to **replace "imported" foreign workers with asylum seekers who are already in Israel**, by cancelling the levy that employers are required to pay for employing asylum-seekers. Initiatives to "match" asylum-seekers and employers could aid the process.
- 2.3. Government support for local municipalities outside Tel Aviv to absorb asylum-seekers could assist with their dispersal to other parts of the country.
- 2.4. Enabling asylum-seekers to undergo vocational training in fields that suffer from labor shortages will help asylum-seekers to find employment outside Tel Aviv.
- 2.5. Enabling asylum-seekers to access health-care and welfare services throughout the country will decrease their dependence on community support networks and allow them to leave South Tel Aviv.

These proposed steps lead to a radically different solution than any that is currently under discussion – a solution that is fair, legal, economically valid, moral and effective. A government that is truly dedicated to solving the problems of South Tel Aviv would adopt these steps and act upon them immediately.